

### **REMARKS/ARGUMENTS**

Applicants' undersigned representative extends thanks to Examiner Bruk Gebremichael for the courtesy of a telephone interview on December 16, 2010. In response to the non-final Office Action dated August 30, 2010 and pursuant to the telephone interview, claim amendments are provided with this document. Both of the independent claims, comprising claims 1 and 6, have been amended. The claim amendments are supported by the specification, and therefore no new matter is added. It is submitted that the independent claims, as amended, recite features that cannot be provided by any of the cited references. Further examination and reconsideration of the application are requested.

#### **Telephone Interview**

During the telephone interview, the pending claims and cited references were discussed. In particular, U.S. Patent No. 6,732,076 to Masterson at column 5, lines 55-57 was discussed. Although no agreement on the claims was reached during the discussion, it was noted that a claim amendment directed to operation of the computer system that does not require error criteria input from a third party would distinguish over Masterson. The independent claims 1 and 6 have been amended to clarify the scope of the claims. It is submitted that the claims, as amended, are in condition for allowance.

#### **Rejection Under 35 U.S.C. § 103**

The two independent claims are claim 1 and claim 6. All of the pending claims (claims 1-14) were rejected under 35 U.S.C. § 103 over U.S. Patent No. 6,732,076 to Masterson in view of U.S. Patent No. 6,296,489 to Blass.

Taking claim 1 as an example, the amended claim 1 reads as follows:

1. (Currently Amended) A computerized method of teaching spoken language skills comprising:
  - (a) Receiving multiple user utterances by a user of a plurality of words from an audio input device into a computer system, the user utterances comprising recorded spoken responses to application prompts of a display of the computer system;

(b) Providing an analysis prompt on the display for actuation by the user after the plurality of words have been recorded;

(c) Analyzing the user utterances in the computer system in response to actuation of the analysis prompt so as to detect pronunciation errors in the user utterances in the plurality of words according to basic sound units and Pronunciation error criteria received-stored in the computer system prior to receiving the multiple user utterances;

(d) Providing feedback from the display of the computer system to the user in accordance with the analysis.

The amendment clarifies that the error criteria are stored in the computer prior to the computer system receiving the user utterances. This is apparent from the specification at, for example, page 6, lines 2-4, where it is explained that the "Analyze Results" button enables the user to "run the application software analysis program" and "analyze user recordings" to find pronunciation errors. That is, no input of error criteria or parameters from third parties is called for, and the analysis is performed without input from third parties. As noted during the telephone interview, this scenario is different from Masterson, which requires accepting inputs from a third party (therapist) in order to provide an analysis for detecting pronunciation errors.

Masterson depends on a teacher therapist for performing the error analysis, as described at col. 4, lines 46-48 of Masterson (the therapist scores the student's pronunciation). Masterson requires the therapist to provide the score (analysis) of the student's pronunciation, after the utterances have been received. Therefore, Masterson cannot perform the operation as recited in claim 1 as amended, and claim 1 as amended is restricted to operation different from Masterson. Thus, claim 1 is not rendered obvious by Masterson. Applicant respectfully requests withdrawal of the Section 103 rejection of claim 1.

Claims 2-5, 11, and 12 depend directly or indirectly from claim 1, and therefore incorporate the features of claim 1. Therefore, it is asserted that claims 2-5, 11, and 12 are patentable for at least the reasons discussed above for claim 1. Applicant respectfully requests withdrawal of the Section 103 rejection of claims 2-5, 11, and 12.

Independent claim 6 has been amended to contain features like those of claim 1, to wit, that the error criteria is stored in the computer system prior to receiving the multiple user utterances. Thus, it is asserted that claim 6 is patentable for at least the reasons discussed above for claim 1. Applicant respectfully requests withdrawal of the Section 103 rejection of claim 6.

Claims 6-10, 13, and 14 depend directly or indirectly from claim 6, and therefore incorporate the features of claim 6. Therefore, it is asserted that claims 6-10, 13, and 14 are patentable for at least the reasons discussed above for claim 6. Applicant respectfully requests withdrawal of the Section 103 rejection of claims 6-10, 13, and 14.

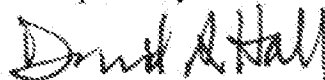
### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Further, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with this paper to Deposit Account No. 20-1430.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,



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